

Inoperable Vehicle Hearings

1. Hearings are held every Tuesday from 1:00 pm to completion at the Department of Code Enforcement in the Tarkington Conference Room at 1200 Madison Avenue, Indianapolis, IN 46225.
2. Open to the Public.
3. First-come, first-serve basis.
4. The hearing will be held pursuant to Article IV of Chapter 103 of the Revised Code of the Consolidated City of Indianapolis and Marion County. The procedural rights of the parties are listed on page three of this notice. At the hearing, the City may request a fine of up to \$2,500 per violation.
5. If you fail to participate in the hearing, you may be held in default.
6. The hearing will be conducted by a Hearing Officer appointed under Chapter 103 of the Revised Code.
7. The City may be represented by the City Prosecutor's Office, Corporation Counsel, City-County Building, 1601, 200 E. Washington St., Indianapolis, IN 46204.
8. To obtain information concerning the hearing or to contact the Hearing Officer, you may call 317-327-8468 or email DCE.INOPhearings@indy.gov.
9. You may send mail to the Hearing Officer or the Department of Code Enforcement at 1200 Madison Avenue, Suite 100, Indianapolis, IN 46225.
10. Payment must be received at least 7 days prior to the hearing in order to be removed from the court calendar.
11. You may avoid potential suspension of your registration by paying your citation(s) immediately.
12. You may pay by credit card at anytime by visiting <http://indy.paycitations.com>; by calling our automated payment line at 1-866-425-3269 agency code 1261; in person 24 hours a day, seven days a week at the City-County Building, Room E152, 200 E. Washington St., Indianapolis; or by mailing a check or money order made payable to Citation Collection Services, PO Box 68963, Indianapolis, IN 46268-0963.

13. If you have questions regarding your citation, please call 317-524-7405.

14. Hearing Procedures:

Sec. 103-75. Prehearing procedures.

- a) Prior to the hearing, the hearing officer shall give the parties an opportunity to file documents or motions regarding matters such as continuances, discovery, and any other preliminary matters. At the time of filing, a party shall serve a copy of all filed items on each other party.
- b) Motions for continuance shall be filed no later than seven (7) days before the date assigned for the hearing, unless the reason therefore is shown by affidavit to have occurred within the seven-day period.
- c) The hearing officer, upon request by any party or upon the hearing officer's own initiative, may issue subpoenas and discovery orders in accordance with the rules of procedure governing subpoenas and discovery in judicial proceedings. The party seeking the subpoena or order shall cause them to be served in accordance with these rules of procedure. (G.O. 67, 1996, § 1)

Sec. 103-76. Hearing procedures.

- a) The hearing officer shall afford all parties the opportunity to participate in the hearing to the extent necessary for full consideration of all relevant facts and issues. A party may present evidence in the form of testimony, affidavits and documentation, engage in argument, and conduct cross-examination. A party may participate in person or by counsel at the party's own expense; if the party is not an individual or is incompetent to participate, then the party shall participate by a duly authorized representative
- b) The city shall have the burden of proof that the respondent owned or operated a vehicle that was parked, stopped, or left standing as alleged on the parking citation, and the burden may be sustained by a preponderance of the evidence; provided, however, that a citation, or a copy thereof, issued and bearing the manual or electronic signature of the official issuing the citation shall be prima facie evidence of the correctness of the facts specified therein.
- c) The hearing officer shall conduct the hearing in an informal manner and without strict adherence to the technical rules of evidence and procedure which govern judicial proceedings. The hearing officer shall rule on the admissibility of any offer of proof, and on other motions, and shall exclude evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory ground. The testimony of each party and witness shall be made under oath or affirmation.
- d) The hearing officer may take official notice of any section of this Code, and any law or fact that could be judicially noticed in the courts. The hearing officer may call witnesses and conduct direct and cross-examination of any witness.
- e) The hearing officer shall cause an audio recording of the hearing to be made at the expense of the city. (G.O. 67, 1996, § 1; G.O. 97, 2005, § 6)

Sec. 103-77. Decision.

- a) Upon the conclusion of each hearing, the hearing officer shall render a decision which includes a determination whether the respondent violated the ordinance as alleged on the parking citation, the amount of civil penalty which must be paid for each violation with instructions on when and how payment shall be made, and a statement of the parties' right to petition for review of the decision.
- b) The decision shall be based exclusively upon the evidence of record in the hearing and on matters officially noticed therein. The hearing officer's experience and specialized knowledge may be used in the evaluation of the evidence.
- c) The hearing officer shall cause each decision rendered pursuant to this section to be memorialized on a minute sheet or similar written entry into the record.
- d) A decision rendered pursuant to this section may be modified by the hearing officer who rendered it, upon the hearing officer's own initiative or by motion of any party. Any motion to modify a decision shall be filed within thirty (30) days after the date of the decision. (G.O. 67, 1996, § 1)

Sec. 103-78. Record of the hearing.

The record of each hearing under this article consists of the following:

- (1) The notice of hearing;
- (2) The parking citations, if available;
- (3) Any documents or motions filed or entered into evidence;
- (4) Any written orders, subpoenas, and decision of the hearing officer; and
- (5) The audio recordings of the hearing.

and shall constitute the complete and exclusive record for review of a hearing officer's decision. (G.O. 67, 1996, § 1; G.O. 97, 2005, § 7)

Sec. 103-79. Petition for review of decision; time limitation.

- a) A verified petition for review of the decision of a hearing officer, stating the alleged error and any factual or legal basis therefore, may be filed in the circuit or superior court of Marion County within thirty (30) days after the day on which the decision is rendered. A party who does not file an appeal within this time period forfeits the right to appeal.
- b) Any party who files a verified petition for review shall within fifteen (15) days thereafter secure from the hearing officer a certified copy of the record of the hearing, and file the same with the clerk of the court.
- c) An extension of time within which to file the record may be granted by the court upon a showing of good cause, which shall include the petitioner's inability to obtain the certified copy of the record within fifteen (15) days.
- d) The failure of a party to file a certified copy of the record or to secure an extension of time therefore shall be cause for dismissal of the petition for review upon motion of any party of record. (G.O. 67, 1996, § 1)